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International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities

Activities of the United Nations Office on Drugs and Crime to promote the implementation of the provisions on international cooperation in the United Nations Convention against Transnational Organized Crime

Report of the Secretariat

I. Introduction

1. International cooperation has a prominent place in the context of the United Nations Convention against Transnational Organized Crime. In addition to identifying, in its article 1, international cooperation to combat transnational organized crime as one of its purposes, the Convention provides in detail for a wide array of international cooperation modalities, such as extradition, mutual legal assistance and cooperation for purposes of confiscation, as well as law enforcement cooperation, joint investigations and cooperation in the use of special investigative techniques. The international cooperation provisions of the Convention are comprehensive and support States parties' efforts to develop appropriate and effective criminal justice and law enforcement responses to transnational organized crime. Article 18 of the Convention, on mutual legal assistance, is an example of what could be called a "'mini' mutual legal assistance treaty", as it can be used in the absence of bilateral or other multilateral treaties on the same issue. In addition, article 16 of the Convention sets a minimum standard for enhancing the efficiency of extradition mechanisms in relation to the offences covered by the Convention.

2. Over the past few years, the intergovernmental bodies dealing with the implementation of the Organized Crime Convention have devoted particular attention to the issue of using the Convention as a legal basis for international cooperation and to practical issues related to such use. The Working Group on International Cooperation, in particular, has consistently assisted the Conference of the Parties to the United Nations Convention against Transnational Organized Crime in addressing practical aspects of implementation of the international cooperation provisions of the

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Convention, including issues relating to the role, functions and strengthening of central and/or other competent authorities active in the context of international cooperation in criminal matters.

3. Building on the deliberations and recommendations of the Working Group on International Cooperation, particularly at its sixth and seventh meetings, in October 2015 and in October 2016, the Conference adopted its resolution 8/1, entitled "Enhancing the effectiveness of central authorities in international cooperation in criminal matters to counter transnational organized crime". In that resolution, the Conference focused for the first time on a detailed overview of operational and practical aspects pertaining to the work of central authorities and called for concerted action to improve and facilitate that work as a key prerequisite of effective international cooperation. In the same resolution, the Conference requested the Secretariat to report to the Conference at its ninth session on its implementation.

4. The present report provides an overview of activities undertaken by the United Nations Office on Drugs and Crime (UNODC) since the eighth session of the Conference, in October 2016, to promote the implementation of the provisions on international cooperation in the Convention, in particular activities for the implementation of resolution 8/1.

II. Implementation of Conference resolution 8/1

A. Networking

1. Engagement among central authorities in person

5. In resolution 8/1, the Conference strongly encouraged States parties to facilitate engagement between and among central authorities in person, including through regional networks, or by virtual means, such as videoconferences, and highlighted the particular importance of engagement between central authorities in order to review the execution of requests, discuss impediments to mutual cooperation and identify solutions to those challenges. To support the efforts of States parties in that regard, UNODC held an expert group meeting in Vienna on 5 and 6 October 2017, which brought together experts from central authorities or practitioners dealing directly with the work of central authorities from Argentina, Austria, Cabo Verde, China, France, Jamaica, Kenya, Nigeria, Norway, Romania, Senegal, Singapore, Togo, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and the United States of America. In addition, Algeria, Mexico, Saudi Arabia, Spain and the Russian Federation were represented by their permanent missions in Vienna. The participants shared experiences and good practices on such issues as the establishment, roles and functions of central authorities; inter-agency cooperation; the provision of information on legal requirements and procedures; case management and tracking; confidentiality of requests and communications; consultations practice; challenges relating to the translation of requests and supporting documentation; channels of transmission and electronic evidence; *de minimis* requests and grounds for refusal; use of the Organized Crime Convention as a legal basis for international cooperation; and capacity-building and resources.

6. In addition, an informal meeting of regional judicial cooperation networks was held in Vienna on 4 October 2017, with the participation of the Commonwealth Network of Contact Persons, the European Judicial Network, the Ibero-American Network for International Legal Cooperation, the Network of West African Central Authorities and Prosecutors against Organized Crime (WACAP), the Great Lakes Judicial Cooperation Network and the Network of Central Authorities and Prosecutors from Source, Transit and Destination Countries in Response to Transnational Organized Crime in Central Asia and the Southern Caucasus. Participants highlighted the benefits of greater collaboration, information-sharing and participation in each other's activities. It was agreed that an informal coordination mechanism would be established to ensure that the networks would meet at least once a year. In order to

organize such meetings in Vienna on a regular basis, or elsewhere as appropriate, financial resources are needed, and UNODC continues its fundraising efforts to that end.

2. Networking to combat transnational organized crime

7. UNODC continued to support WACAP, the Network of Central Authorities and Prosecutors from Source, Transit and Destination Countries in Response to Transnational Organized Crime in Central Asia and the Southern Caucasus and the Great Lakes Judicial Cooperation Network. The Great Lakes Judicial Cooperation Network, modelled on WACAP and other such networks, was launched in Khartoum on 1 and 2 November 2017 by the Office of the Special Envoy of the Secretary-General for the Great Lakes Region, together with the International Conference on the Great Lakes Region (ICGLR) and with the support of UNODC. It will be led by ICGLR and UNODC, with political support from the Office of the Special Envoy, and will cover 12 States (Angola, Burundi, Central African Republic, Congo, Democratic Republic of the Congo, Kenya, Rwanda, South Sudan, Sudan, Uganda, United Republic of Tanzania and Zambia).

8. UNODC also continued to support the WACAP train-the-trainer programme on international cooperation in criminal matters, aimed at facilitating the transfer of knowledge among peers. The train-the-trainer sessions were delivered to 333 prosecutors, judges, law enforcement officials and International Criminal Police Organization (INTERPOL) officers from Benin, Burkina Faso, Cabo Verde, Côte d'Ivoire, the Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, the Niger, Nigeria, Senegal and Togo.

9. WACAP cooperated with other programmes and networks to promote international cooperation in criminal matters and enhance the capacity of criminal justice practitioners to investigate and prosecute different forms of transnational organized crime. The UNODC programme on strengthening criminal investigation and criminal justice cooperation along the cocaine route in Latin America, the Caribbean and West Africa (CRIMJUST) and WACAP jointly organized a training session for the anti-drug agencies of Ghana and Nigeria to share good practices on the prosecution of drug trafficking cases and enhance cross-border cooperation, held from 26 to 28 September 2017.

10. Further, WACAP and the Asset Recovery Inter-Agency Network for West Africa held a joint meeting in Senegal from 24 to 26 October 2017, with the participation of more than 40 officials from the countries of the Economic Community of West African States (ECOWAS), as well as from Mauritania and Sao Tome and Principe and representatives of the ECOWAS Court of Justice and the ECOWAS Commission. The meeting's participants discussed the challenges of extradition within the ECOWAS region and obstacles encountered in the seizing, freezing, confiscation and management of criminal proceeds.

11. A regional cooperation workshop organized by the Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants and WACAP on the topic of trafficking in persons and the smuggling of migrants was held in Vienna on 14 and 15 December 2017, attended by experts and WACAP contact points from Burkina Faso, Côte d'Ivoire, the Gambia, Ghana, Mali, the Niger, Nigeria and Senegal.

B. Tools to facilitate cooperation between central authorities

12. In resolution 8/1, the Conference encouraged States parties to make the fullest and most effective use of available technology to facilitate cooperation between central authorities, including online resources developed at the national level and relevant tools created by UNODC, such as the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC) and the Mutual Legal Assistance Request Writer Tool, and to develop virtual networks between and

among central authorities and explore the feasibility of secure electronic communications.

13. In this regard, UNODC expanded the SHERLOC portal to include new databases and functionalities, including the addition of terrorism as an additional crime type, as well as the addition of a new database on strategies that offers information on strategic instruments, such as plans of actions and strategies, for the regional and domestic implementation of the Organized Crime Convention and the Protocols thereto.

14. From July 2017 to July 2018, SHERLOC was accessed by 237,703 users, with peaks of more than 1,000 users per day, indicating that the number of users is constantly rising. The 10 Member States with the largest number of SHERLOC users were, in order, the United States, India, Peru, Mexico, Guatemala, the Plurinational State of Bolivia, Argentina, Colombia, the Philippines and the United Kingdom.

15. Global access and multilingualism are important goals for SHERLOC, and to that end, the portal has been translated for use in all of the six official languages of the United Nations. SHERLOC is also adaptable to all devices, enabling users to access it through mobile technologies.

16. The SHERLOC database on legislation currently contains more than 318 domestic legal provisions on extradition and 239 on mutual legal assistance, which are made available in one of the six official languages of the United Nations and can assist central and competent authorities to understand the legal framework of other cooperating countries. These laws also provide authorities with information relating to the legal basis for granting mutual legal assistance and extradition requests. Moreover, the database provides information on the type of assistance that could be granted in a specific country, such as for the purposes of seizure, confiscation or asset recovery, to facilitate the voluntary appearance of persons in the requesting State party, or for transmission of information, among other purposes. These resources can be accessed by navigating through the list of cross-cutting issues and selecting a category under "International cooperation".[1]

17. The case law database in SHERLOC can also be used for research purposes. This database currently hosts 54 cases of international cooperation for purposes of extradition, 32 cases of international cooperation for purposes of confiscation and asset recovery and 80 cases on mutual legal assistance. Additional cases illustrate specific and detailed aspects of international cooperation such as relating to the transfer of sentenced persons and the transfer of criminal proceedings, as well as international and regional law enforcement cooperation. In all of the cases contained in the database, international cooperation was requested and afforded in relation to one of the 15 crime types covered by SHERLOC. The cases can also be found by navigating through the list of cross-cutting issues and selecting the international cooperation category.[2]

18. The recently developed UNODC Treaty Database gives authorities an overview of the treaties to which the requested State is a party, so that requesting authorities know which treaties can be used as legal bases for purposes of international cooperation with a specific requested State. In June 2018, UNODC developed an additional section in the SHERLOC portal to collect all resources relating to the gathering and sharing of electronic evidence. In this section, users can access different legal information, such as laws, jurisprudence and a bibliography on this topic.

19. In addition, in May 2018, UNODC announced the online availability of the redeveloped version of the Mutual Legal Assistance Request Writer Tool, which assists criminal justice practitioners in expeditiously drafting requests for mutual legal assistance.[3] The redeveloped version of the tool has features on asset recovery and additional forms or means of international cooperation in criminal matters,

[1] Available at www.unodc.org/cld/v3/sherloc/legdb/#/crossCuttingIssues.

[2] Available at www.unodc.org/cld/v3/sherloc/cldb/index.html?lng=en#/cross-cutting.

[3] Available at www.unodc.org/mla/en/index.html.

including the transfer of criminal proceedings, videoconferences and, to the extent applicable, joint investigations to conduct controlled deliveries. The tool in its redeveloped version also contains a module on digital evidence which takes into account all pertinent developments in the field of international cooperation to combat cybercrime and covers the following forms of cooperation: expedited preservation of stored computer data, ensuring access to stored computer data, and real-time collection of traffic data.

20. The Mutual Legal Assistance Request Writer Tool will be linked to the UNODC directory of competent national authorities to enable the retrieval of contact information of competent foreign authorities for use in the preparation of requests for mutual legal assistance. It will also be linked to SHERLOC in order to provide practitioners with easy access to various types of continually updated information, including national guides, legal provisions relating to international cooperation in criminal matters and other supplementary resources.

21. Presentations on the redeveloped Mutual Legal Assistance Request Writer Tool were made at a number of events, including the twenty-second Annual Conference of the International Association of Prosecutors (Beijing, 10–15 September 2017), the meeting of the Criminal and Legal Affairs Subgroup of the Group of Eight Roma-Lyon Anti-Crime and Terrorism Group (3–5 October 2017) and the meeting of the Asia-Pacific Law Enforcement Network of the Organization for Economic Cooperation and Development (Republic of Korea, 15–17 November 2017).

22. UNODC also continued to manage and update the directory of competent national authorities under the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 and the Organized Crime Convention, on the SHERLOC platform. Pursuant to the recommendations of the Working Group on International Cooperation at its sixth meeting, the 2016 issue of the directory presents this information in two separate parts. The current version of the directory also allows for the inclusion of channels and information for informal cooperation in criminal matters; information on relevant legislation, templates and guidelines and the legal bases for extradition and mutual legal assistance; and lists of applicable bilateral or multilateral agreements or arrangements. The directory also includes the information of contact points designated to facilitate international cooperation within the application of the Organized Crime Convention, for the purpose of preventing and combating trafficking in cultural property pursuant to General Assembly resolution 68/186. The directory is being expanded to include competent authorities for judicial cooperation in terrorism cases, in accordance with Security Council resolution 2322 (2016).

23. Since the eighth session of the Conference, UNODC has further restructured the section of its website on international cooperation.[4] The rationale for that initiative was to create a user-friendly, "one-stop" online environment for criminal justice practitioners, experts, representatives of Member States and other users, including members of the academia, seeking information on issues relating to international cooperation. In the new section of the website, information is made available and classified according to the following categories: intergovernmental bodies that play a key role in fostering international cooperation and take concrete action through resolutions and decisions; databases that provide easy access to laws, jurisprudence and other information on existing national practices and strategies and on international cooperation requirements; directories of competent national authorities designated in accordance with pertinent provisions of international conventions; legal and technical publications and tools dedicated to various areas of international cooperation; UNODC technical assistance activities with a focus on capacity-building for effective international cooperation in criminal matters; international cooperation networks as tools and platforms for exchanging information and expertise, building trust and creating contacts among practitioners; UNODC training courses and

[4] Available at www.unodc.org/unodc/en/international-cooperation/index.html.

e-learning modules; and news and updates on UNODC activities and events in the area of international cooperation in criminal matters.

C. Technical assistance

24. In its resolution 8/1, the Conference urged States parties, including in collaboration with UNODC, to promote training and technical assistance to facilitate international cooperation under the Convention and, in that regard, encouraged States parties to prioritize efforts to strengthen knowledge and capacity within their central authorities and other relevant institutions.

25. Through its Country Office in the Islamic Republic of Iran, UNODC supported and contributed substantively to a national meeting on international judicial cooperation with a focus on mutual legal assistance and extradition, held in Tabriz, Islamic Republic of Iran, on 3 and 4 May 2017. The meeting was organized in close coordination with the International Affairs Department of the Judiciary of the Islamic Republic of Iran with the participation of senior officers of judicial authorities and legal officials from Tehran, Tabriz and the East Azerbaijan Province. The discussions addressed practical and legal aspects of extradition and mutual legal assistance from both a national and an international perspective.

26. A regional workshop on the promotion of cooperation among the countries in West and Central Asia to better address the international transfer of sentenced persons, organized under subprogramme 2 of the UNODC regional programme for Afghanistan and neighbouring countries, was held in Bishkek on 7 and 8 September 2017.

27. Furthermore, over the past two years, representatives of UNODC have trained experts from 46 States on the Organized Crime Convention, resulting in a documented 33 per cent increase in the relevant knowledge among trainees. The Office also developed modules on combating organized crime for the Education for Justice (E4J) initiative. In that connection, UNODC organized two expert group meetings and initiated research on gender-related issues as related to organized crime, as well as on the nexus between organized crime and terrorism and the links between organized crime and cybercrime.

28. A regional training workshop to promote international judicial cooperation to counter the smuggling of migrants by sea affecting the Mediterranean Sea was held in Malta from 9 to 11 May 2017. It was the fourth in a series of transregional workshops on the smuggling of migrants by sea, bringing together prosecutors, judges and central authorities from countries of the Middle East and North Africa and the European Union, as well as from the European Commission, the Mediterranean Operation Sophia of the European Union Naval Force and UNODC, to share good practices, learn how to make better use of judicial cooperation in migrant smuggling cases and learn about the tools available for that purpose.

29. In addition, a subregional workshop to promote international cooperation in cases of migrant smuggling was held in Tunis from 25 to 27 September 2017. It brought together experts, including prosecutors, police officers and officials of competent Ministries from Tunisia, Egypt, Libya and the Sudan.

30. UNODC, with the financial support of the European Union, launched in June 2016 the global programme on strengthening criminal investigation and criminal justice cooperation along the cocaine route in Latin America, the Caribbean and West Africa for the period 2016–2020 (CRIMJUST). Within the framework of CRIMJUST, UNODC, in partnership with INTERPOL and Transparency International, is providing technical assistance to 12 countries (Argentina, Brazil, Bolivia (Plurinational State of), Cabo Verde, Colombia, Dominican Republic, Ecuador, Ghana, Guinea-Bissau, Nigeria, Panama and Peru). The main areas of assistance provided through the programme are the following: capacity-building; strengthening the capacities of criminal justice institutions (law enforcement authorities and the

judiciary) to detect, investigate, prosecute and adjudicate drug-trafficking and related organized crime cases; fostering regional and interregional cooperation between criminal justice institutions (law enforcement authorities and the judiciary); and enhancing the institutional integrity and accountability of criminal justice institutions. So far, the programme has implemented 80 capacity-building activities that had as an objective the strengthening of international judicial cooperation among central authorities as well as the streamlining of their working arrangements.

31. Upon receipt of formal requests for support, in August 2018 UNODC provided legislative assistance to the authorities of Burkina Faso and Mali and in relation to international cooperation in criminal matters, through the conduct of desk reviews and the provision of legal advisory services on the content of draft laws. UNODC also provided legislative assistance to the authorities of the Gambia through the conduct of a desk review of the provisions on international cooperation in criminal matters of the draft drug control legislation of that country.

D. Facilitate the timely execution of requests for assistance, including, where appropriate requests for electronic evidence

32. In its resolution 8/1, the Conference called upon States parties to staff, equip and empower central authorities so that those authorities played an effective coordinating role among various government agencies within the State party and with other States parties in order to ensure effective implementation of the Convention regarding international cooperation in criminal matters, and to help facilitate the timely execution of requests for assistance or cooperation, including, where appropriate, requests for electronic evidence.

33. UNODC continued to mainstream the topic of electronic evidence into existing tools, as well as tools still under development, on international cooperation in criminal matters, in line with the recommendation made by the Working Group on International Cooperation at its meeting in October 2015, as endorsed by the Conference in resolution 8/1.

34. At its eighth meeting, in October 2017, the Working Group on International Cooperation took stock of developments, good practices, challenges encountered and lessons learned in the area of international cooperation involving electronic evidence, with a particular focus on the above-mentioned practical issues. The Working Group also discussed technical assistance and training-related issues, including the work of the Secretariat in developing and delivering train-the-trainer courses on cryptocurrency investigations.

35. The Working Group also invited States parties that have not done so to consider amending their legislation to define clear rules of admissibility of evidence in court, as well as requirements for the conduct of special investigative techniques, for consideration and application in cases of electronic evidence obtained in foreign jurisdictions, and to revise, where appropriate, their existing procedures for mutual legal assistance to adapt them to requests for obtaining and handling electronic evidence; and to build or enhance effective networks for information-sharing for the purpose of obtaining electronic evidence.

36. UNODC prepared the documentation and provided organizational and substantive support for the thematic discussion on criminal justice responses to prevent and counter cybercrime in all its forms, including through the strengthening of cooperation at the national and international levels, held on 15 May 2018 during the twenty-seventh session of the Commission on Crime Prevention and Criminal Justice. As noted in the guide for the thematic discussion, prepared by UNODC, international cooperation to combat cybercrime represents an increasing challenge for criminal justice and law enforcement authorities and, due to the volatile nature of electronic evidence, it requires timely responses, including the preservation and production of data by service providers, and the ability to request specialized investigative action. Challenges encountered, in that regard, include delays in the

response that often exceed the data retention period and may enable perpetrators to permanently destroy key electronic evidence; a lack of commitment and flexibility on the part of the requested authority; whether the requested authority provides the evidence in a form that can be used in criminal proceedings; and differences in the definitions of criminal offences in cooperating States.

37. The Crime Commission also considered possible ways of facilitating international cooperation in relation to cybercrime, such as expediting mutual legal assistance processes by, for example, differentiating between the types of data sought; establishing separate cybercrime units within central authorities; monitoring and reviewing casework practices in matters of mutual legal assistance for responsiveness and efficiency, including through keeping statistics of requests for mutual legal assistance involving electronic evidence; more frequent use of police-to-police cooperation as a useful supplement to mutual legal assistance modalities to ensure timely responses to urgent requests for assistance; focused and more intensive training to enhance mutual legal assistance and police-to-police and other forms of international cooperation on cybercrime and electronic evidence; enhanced sharing of information and experience among 24/7 networks of contact points; and allocating resources at the level of national authorities entrusted with the task of executing requests for mutual legal assistance, and enhancing their coordination with the central authorities for timely responses.

38. UNODC also continued to support the work of the Expert Group to Conduct a Comprehensive Study on Cybercrime, and the responses to it by Member States, the international community and the private sector; the Expert Group is the only platform within the United Nations system that focuses on the exchange of information with a view to examining options to strengthen existing national and international legal or other responses to cybercrime and to propose new ones. UNODC serviced the fourth meeting of the Expert Group, held in Vienna from 3 to 5 April 2018. At the meeting, the Expert Group adopted the Chair's proposal for the workplan of the Expert Group for the period 2018–2021, which set out the topics and a timeline for the Expert Group for that period. At the fourth meeting, the Expert Group also examined the topics of "Legislation and frameworks", and "Criminalization". The topic of "International cooperation" will be examined in one of the subsequent meetings of the Expert Group. In accordance with the adopted workplan of the Expert Group, at the meetings in 2018, 2019 and 2020, the Rapporteur, with the necessary assistance of UNODC and on the basis of the discussions and deliberations, is tasked with preparing lists of preliminary conclusions and recommendations suggested by Member States, which should be precise and focus on strengthening practical responses to cybercrime. Also in accordance with the adopted workplan, the lists are to be included in the summary reports on the meetings of the Expert Group, as a compilation of suggestions made by Member States, for further discussion at a stock-taking meeting that will take place no later than 2021.

39. Moreover, UNODC and the Counter-Terrorism Committee Executive Directorate, in cooperation with the International Association of Prosecutors, jointly organized two expert group meetings in Vienna, on 12 and 13 February and 5 and 6 June 2018. The aim of the meetings was to establish the basis for the development of a practical guide for central authorities, prosecutors and investigators to facilitate the obtaining of electronic evidence from foreign jurisdictions in investigations related to counter-terrorism and cross-border organized crime. The meetings offered participants the opportunity to share information on domestic laws and guides, as well as examples of actual cases in which electronic evidence was obtained from communication service providers located in foreign jurisdictions. The release of the final version of the practical guide is scheduled for September 2018.

E. Support to the work of the Working Group on International Cooperation: scheduling and organization of meetings and thematic framework of deliberations

40. Two years ago, on the occasion of the tenth anniversary of the first meeting of the Working Group on International Cooperation, the Secretariat undertook to provide an overview of the mandates given and the work accomplished by the Working Group, as well as the recommendations and feedback that the Working Group had submitted to the Conference with a view to facilitating a more efficient implementation of the provisions of the Convention that govern international cooperation.[5]

41. Ten years after the Working Group on International Cooperation was established, the Conference, in its resolution 8/1, reaffirmed its decision 3/2 of 18 October 2006, in which it had decided that the Working Group on International Cooperation would be a constant element of the Conference, and requested UNODC to make the best possible use of existing resources in scheduling future meetings of the Working Group, including by coordinating with other international meetings.

42. Within the reporting period that followed the adoption of resolution 8/1, the practice of scheduling and organizing back-to-back meetings of the Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance was followed. Such back-to-back meetings were held in October 2017 and May 2018, including joint meetings to discuss the agenda item on the preparation of a questionnaire to review the implementation of the Organized Crime Convention, in accordance with Conference resolution 8/2. Thus, the Working Group on International Cooperation offered a platform for discussions on the text of a draft questionnaire to be used as an information-gathering tool as part of a mechanism for the review of the implementation of the Organized Crime Convention, including of its provisions on international cooperation, which is under consideration by States parties.

43. In addition, the Working Group continued to coordinate with other intergovernmental processes and meetings, in accordance with established practice. In that context, since 2012, there has been a discussion on potential synergies between the Working Group on International Cooperation and the intergovernmental expert meetings to enhance international cooperation under the United Nations Convention against Corruption. At the fourth meeting of the Working Group, in 2012, speakers noted that some coordination of the work of the two bodies could be beneficial. Moreover, the discussion addressed the commonalities of the two bodies and the levels of representation, the many cross-cutting issues arising from the two conventions and the fact that central authorities in many States deal with international cooperation requests under both conventions.

44. Against that background, the practice of holding the meetings of the two bodies back-to-back was followed in 2012 and 2014. On other occasions, within the reporting period, the two bodies met only a few days apart. In all cases, the Secretariat arranged for mutual updates and the sharing of the salient points of discussion in respective meetings to allow for better coordination and exchange of information.

45. With respect to the thematic framework of its work, the Working Group, having completed 10 years of work, recommended at its seventh meeting, in October 2016, that the Conference consider the development of a multi-year workplan with standing items and thematic discussions for the purpose of facilitating a structured and comprehensive dialogue on all aspects of the implementation of the international cooperation provisions of the Convention.[6] Since its seventh meeting, in 2016, the Working Group has made recommendations to the Conference on possible issues for

[5] CTOC/COP/WG.3/2016/2.

[6] CTOC/COP/WG.3/2016/2, para. 43 (b).

thematic discussions at future meetings, as reflected in the reports on those meetings.[7] Based on those recommendations, and in preparation for the meetings of the Working Group, the Secretariat prepared proposals for substantive topics for discussion for further consideration and endorsement by the extended Bureau of the Conference.

46. In view of the above, the Working Group has covered a wide range of discussion topics focusing on practical aspects of extradition proceedings: from good practices for bilateral consultations between central authorities, including preparation, case-tracking, training and participation, as well as consultations and sharing of information at different stages of the extradition process (also taking into account paragraph 10 of resolution 8/1), to challenges faced in expediting the extradition process. Moreover, the Working Group had the opportunity to consider for the first time, at its eighth meeting, in October 2017, the transfer of criminal proceedings as a separate form of international cooperation in criminal matters and thus contribute to gaining a better understanding of the implementation requirements of article 21 of the Organized Crime Convention. The consideration by the Working Group of these topics has expanded the initial scope of the Working Group's mandate, as its original mandate, under Conference decision 2/2, was to hold substantive discussions on practical issues pertaining to extradition, mutual legal assistance and international cooperation for the purpose of confiscation. In addition, the Working Group continued to consider developments in obtaining electronic evidence, as follow-up to its established practice.[8] Furthermore, on a cross-cutting basis and in line with the overall policy directions of resolution 8/1, the Working Group addressed issues pertaining to the role, functions and strengthening of central authorities in the context of international cooperation in criminal matters.

47. For discussing all the above-mentioned substantive themes, the Working Group followed various methodological approaches. It has been the Secretariat's consistent practice to prepare parliamentary documents to outline the substantive content of the topic under discussion.[9] Where necessary, topics of relevance (mainly in relation to updates on tools or other training material) were introduced through ad hoc presentations delivered by representatives of the Secretariat. Discussions under certain agenda items have been led by panellists identified in advance by the regional groups and notified to the extended Bureau of the Conference. The deliberations held during the meetings of the Working Group have also been enriched by presentations given by representatives from regional intergovernmental organizations sharing regional perspectives and good practices pertaining to international cooperation.

48. With respect to participation and attendance, the Conference, in its resolution 8/1, encouraged States parties to facilitate the active participation of central authorities in the relevant meetings of the Conference and its working groups, particularly the Working Group on International Cooperation, to share good practices and lessons learned with respect to international cooperation and to strengthen relationships among government experts, especially practitioners, and requested UNODC to schedule future meetings of the Working Group on International Cooperation to facilitate the participation of central authorities.

49. Seventy-two States parties participated in the seventh meeting of the Working Group on International Cooperation, which took place from 19 to 21 October 2016. Of those participants, 57 States parties sent experts from their capitals (amounting to 79 per cent of participating States parties), a high ratio that can explained in part by the fact that the Working Group's meeting was held in parallel with the eighth session of the Conference. However, as shown in the figure below, in subsequent meetings of the Working Group there was a decrease in the number and percentage of participating States that sent experts from their capitals. Thus, at the eighth meeting of the Working Group, held from 9 to 13 October 2017, 85 States parties participated, but only

[7] See CTOC/COP/WG.3/2016/4, para. 3, and CTOC/COP/WG.2/2017/4-CTOC/COP/WG.3/2017/4, para. 39.

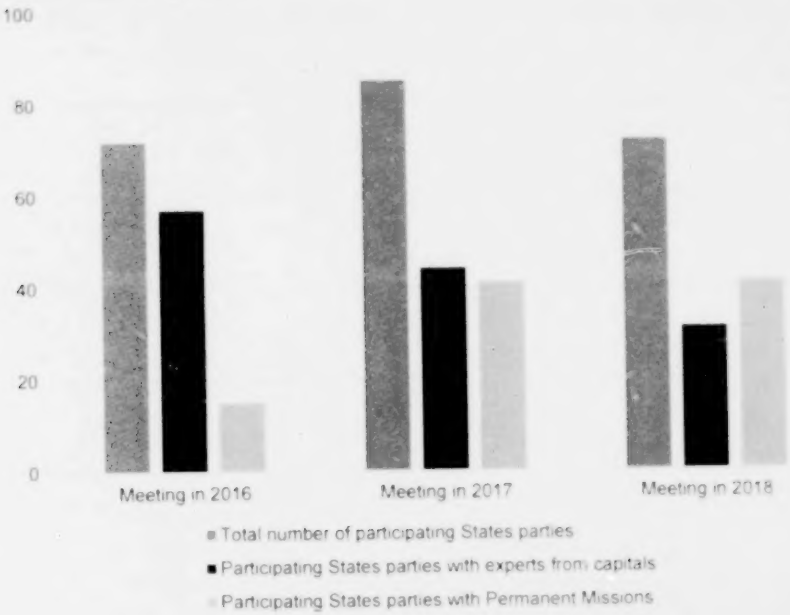
[8] CTOC/COP/WG.3/2015/4.

[9] See CTOC/COP/WG.3/2017/2, CTOC/COP/WG.3/2018/2 and CTOC/COP/WG.3/2018/5.

44 States brought experts from their capitals (52 per cent of participating States parties). At the ninth meeting of the Working Group, held from 28 to 31 May 2018, 72 States parties participated, but only 31 States were represented by experts from their capitals (42 per cent of participating States parties).

Figure

Number of States parties participating in the meetings of the Working Group on International Cooperation



III. Conclusions and recommendations

50. UNODC has consistently sought to assist States parties in implementing the provisions of the Organized Crime Convention on international cooperation. Additionally, UNODC has also sought to give priority to translating into practice the policy directions given by the Conference in this field, including, in particular, those policy directions contained in resolution 8/1.

51. To make further improvement, the Conference may wish to do the following:

(a) Continue to encourage States parties to make, consistent with their national legal frameworks, the widest possible use of the Organized Crime Convention, in accordance with paragraph 4 of resolution 8/1; and to provide UNODC with concrete cases in which the Convention was used as a legal basis for international cooperation, with a view to expanding the information already available in the knowledge management portal known as Sharing Electronic Resources and Laws and preparing a digest of cases that incorporates knowledge accumulated on this issue in the 15 years since the entry into force of the Convention, with the potential of regularly updating that digest;

(b) Request UNODC to undertake research activities for the elaboration of a series of discussion papers on themes and topics relating to international cooperation in criminal matters under the Convention, as identified by the Conference or its Working Group on International Cooperation, and, in doing so, invite States parties to provide extrabudgetary resources in support of that endeavour;